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Attorneys for Plaintiff, and all others similarly situated

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

SACRAMENTO DIVISION

BRIAN HEINZ individually and on behalf
of all others similarly situated,

Plaintiff,

v.

AMAZON.COM, INC. and DOES 1 to 10,
inclusive, and each of them,

Defendants.

Case No. 2:23-cv-00282-WBS-AC

CLASS ACTION

**DECLARATION OF CRAIG W.
STRAUB IN SUPPORT OF
PLAINTIFF'S OPPOSITION TO
DEFENDANT AMAZON.COM, INC'S
MOTION TO TRANSFER**

Date: July 10, 2023

Time: 1:30 p.m.

Dept.: Courtroom 5

Assigned to the Hon. William B. Shubb

Action Filed: January 11, 2023

Action Removed: February 15, 2023

JURY TRIAL DEMANDED

I, Craig W. Straub, declare as follows:

1. I am an attorney duly licensed to practice before the courts of the State of California. I am an attorney at the law firm Crosner Legal, P.C., one of the counsel of record for Plaintiff in the above-entitled action.

2. I submit this declaration in support of Plaintiff's opposition to Amazon.com Inc.'s ("Amazon") motion to transfer venue or, alternatively, dismiss.

3. Amazon shows the Court cropped and altered outlined images of the "sign-in" and "Place your order" pages and does not display the page where a user first creates an account. *See* Mtn. 3-5. True and correct screen shots of the "create account"¹ and "sign-in"² pages found on Amazon's website are depicted in full below without the added outlines or cropping:

¹
https://www.amazon.com/ap/register?openid.pape.max_auth_age=0&openid.identity=http%3A%2F%2Fspecs.openid.net%2Fauth%2F2.0%2Fidentifier_select&pageId=usflex&ignoreAuthState=1&openid.assoc_handle=usflex&openid.mode=checkid_setup&openid.ns.pape=http%3A%2F%2Fspecs.openid.net%2Fextensions%2Fpape%2F1.0&prepopulatedLoginId=&failedSignInCount=0&openid.claimed_id=http%3A%2F%2Fspecs.openid.net%2Fauth%2F2.0%2Fidentifier_select&disableLoginPrepopulate=1&switch_account=signin&openid.ns=http%3A%2F%2Fspecs.openid.net%2Fauth%2F2.0 (last visited on June 2, 2023).

²https://amc.amazon.com/ap/signin?clientContext=131-0038152-8420244&openid.return_to=https%3A%2F%2Famc.amazon.com%2F&openid.identity=http%3A%2F%2Fspecs.openid.net%2Fauth%2F2.0%2Fidentifier_select&openid.assoc_handle=amzn_amcentral_us&openid.mode=checkid_setup&openid.claimed_id=http%3A%2F%2Fspecs.openid.net%2Fauth%2F2.0%2Fidentifier_select&openid.ns=http%3A%2F%2Fspecs.openid.net%2Fauth%2F2.0&mons_redirect=sign_in (last visited on June 2, 2023).

The image displays two side-by-side screenshots of the Amazon website's account creation and sign-in interface. The left screenshot shows the 'Create account' form, which includes fields for 'Your name' (First and last name), 'Mobile number or email', 'Password' (with a requirement of at least 6 characters), and 'Re-enter password'. Below these fields is a 'Continue' button. The right screenshot shows the 'Sign in' form, which includes fields for 'Mobile phone number or email' and 'Password'. Below these fields is a 'Sign in' button. Both forms have a link to 'Create your Amazon account' at the bottom. The footer of both screenshots includes links for 'Conditions of Use', 'Privacy Notice', and 'Help', and a copyright notice for 1996-2023, Amazon.com, Inc. or its affiliates.

4. When a user is signed into their account, an item is added to their cart, and the user clicks “Proceed to checkout,” they are brought to the “Place your order.” A true and correct screen shot of the “Place your order”³ webpage with black redactions of my personal address and last four numbers of my credit card is depicted below:

³ <https://www.amazon.com/gp/buy/spc/handlers/display.html?hasWorkingJavascript=1> (last visited on June 2, 2023).

amazon Checkout (1 item)

1 Shipping address [Change](#)

2 Payment method [Change](#)

3 Review items and shipping

Select **FREE Amazon Day Delivery** to receive orders in fewer boxes on a single day.

Delivery: June 3, 2023 If you order in the next 2 hours and 22 minutes (Details)

Items shipped from Amazon.com

Amazon Essentials Women's Casual Low-Cut Socks, 6 Pairs, Black, 6-9
\$12.60 ✓prime & FREE Returns
 Qty: 1
 Sold by: Amazon.com Services LLC
 Subscribe & Save:
☐ Save up to 5% on future auto-deliveries
 Delivery every: 3 months (most common)

 Item arrives in packaging that shows what's inside. To hide it, choose **Ship in Amazon packaging**.

Choose your Prime delivery option:

- ☒ **Tomorrow, June 3**
FREE One-Day Delivery
- ☐ **Monday, June 5**
FREE Amazon Day Delivery
Fewer boxes, fewer trips.
[Change delivery day](#)

Or choose your pickup location:

- ☒ **Pickup available nearby**
[Choose a location](#)

Order total: \$13.58
 By placing your order, you agree to Amazon's privacy notice and conditions of use.

[Place your order](#)

Need help? Check our [Help pages](#) or [contact us](#)

For an item sold by Amazon.com: When you click the "Place your order" button, we'll send you an email message acknowledging receipt of your order. Your contract to purchase an item will not be complete until we send you an email notifying you that the item has been shipped.

Important information about sales tax you may owe in your state

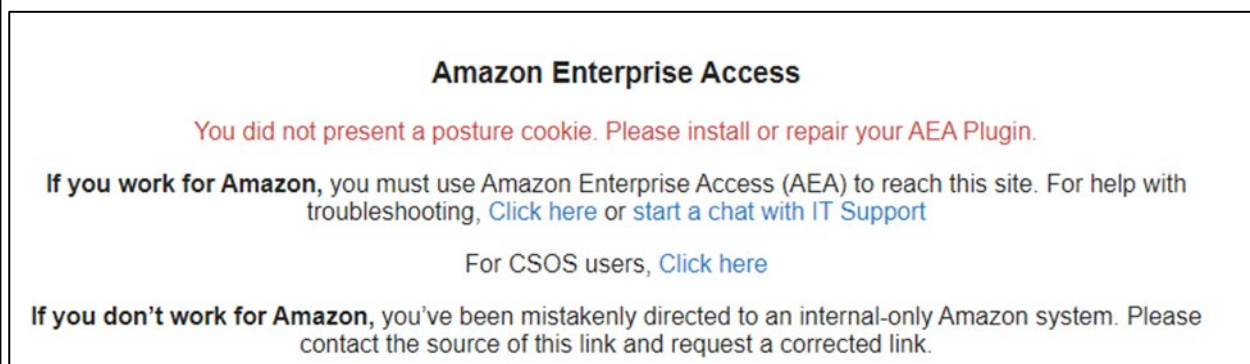
You may return new, unopened merchandise in original condition within 30 days of delivery. Exceptions and restrictions apply. See Amazon.com's [Returns Policy](#).

Need to add more items to your order? Continue shopping on the [Amazon.com homepage](#).

5. As shown above, the “Place your order” page contains numerous different font sizes, colors (e.g., orange, yellow, green, bolded black, light black, red, turquoise, and blue), bolding and contains numerous images, buttons, and extraneous information such as customers’ personal address, credit card information, shipping options, and purchase summary. The page contains 21 different hyperlinks. Id., ¶ __. None of the hyperlinks are underlined, in all caps, or are bolded or in larger font. The “Create account page” contains seven hyperlinks, and the “Sign in” page contains six hyperlinks.

6. I performed a “Find” search for the terms “recording” and “records” in the Privacy Notices which were submitted by Amazon (ECF Nos. 24-1). The only relevant sentences related

to Amazon's recording of conversations were: "voice recordings when you speak to Alexa" (ECF No. 24-1 at pages 33 and 43 of 49), and "voice recordings associated with your account" (ECF No. 24-1 at pages 35 and 45 of 49). The Privacy Notice also contains 74 hyperlinks. *See id.* at Exhibit C. Several of the hyperlinks do not function. For example, Exhibit C attached to the declaration of Matondo has a hyperlink (ECF No. 24-1 at page 27 of 49) that takes the user to a page that depicts the following error message:



I was brought to the above image when I clicked on the links in the sentences "Click [here](#) to see examples of what we collect" (ECF No. 24-1 at pages 27, 28, 37, 38 of 49). I was also brought to the above image when I clicked on the sentence "What Personal Information About Customers Does Amazon Collect?" (ECF No. 24-1 at pages 27 and 37 of 49). The Privacy Notice contains 9 pages, 3,479 words, 161 paragraphs, and 393 lines. Using directions from Adobe, Exhibit C to the declaration of Matondo (ECF No. 24-1) was converted to word, and a "Word Count" function was performed:

Word Count		?	×
Statistics:			
Pages		9	
Words		3,479	
Characters (no spaces)		19,711	
Characters (with spaces)		23,141	
Paragraphs		161	
Lines		393	

I agree under the penalty of perjury that the above statements are true and correct under the laws of the United States.

Dated: June 9, 2023

CROSNER LEGAL, P.C.

By: /s/ Craig W. Straub
CRAIG W. STRAUB

CERTIFICATE OF SERVICE

I hereby certify that on June 9, 2023, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the e-mail addresses denoted on the Electronic Mail Notice List, and I hereby certify that I have mailed the foregoing document or paper via the United States Postal Service to the non-CM/ECF participants indicated on the Electronic Mail Notice List.

I certify under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on June 9, 2023.

s/ Craig W. Straub

CRAIG W. STRAUB

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